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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT HALL,

Defendant and Appellant.

F077896

(Super. Ct. No. 98CM7440)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Kings County. Steven D. Barnes, Judge.

Michael Lee Pinkerton, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Snauffer, J., Levy, Acting P.J., and Poochigian, J.

STATEMENT OF THE CASE

This is an appeal from an order denying a petition for resentencing pursuant to Proposition 36.

On June 3, 2016, appellant Robert Hall filed a pleading entitled “FIRST AMENDED PETITION FOR RECALL OF SENTENCE AND FOR RESENTENCING PURSUANT TO PENAL CODE SECTION 1170.126 (THREE STRIKES REFORM ACT OF 2012).” The petition was denied, but on appeal in an unpublished opinion filed April 20, 2018, this Court reversed the denial and remanded the case to the trial court for reconsideration under the proper statutory criteria. (*People v. Hall* (Apr. 20, 2018, F075013).)

On June 4, 2018, the trial court issued an order denying the petition from which Hall filed a notice of appeal on July 18, 2018. Subsequently, on July 25, 2018, the trial court held a hearing on Hall’s petition. The court denied the petition on the ground that Hall was not eligible for relief under Penal Code section 1170.126, subdivision (e)(3)¹ and section 667, subdivision (e)(2)(C)(iv)(IV) as he had suffered a second degree murder conviction (§ 187, subd. (a)) in Los Angeles County Superior Court case No. YA009400, in which he was sentenced to a term of 15 years to life.² The record shows that a notice of appeal was served on July 30, 2018, but that notice does not appear in the record. We treat as timely Hall’s July 18, 2018 notice of appeal.

STATEMENT OF APPELLATE JURISDICTION

This is an appeal from a final judgment and disposes of all issues between the parties and affects their substantial rights. (§ 1237, subd. (a); Cal. Rules of Court, rule 8.304(a)(2)(B).)

APPELLATE COURT REVIEW

¹ Undesignated statutory references are to the Penal Code.

² The conviction date was on or about February 10, 1993.

Hall's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that Hall was advised he could file his own brief with this court. By letter on December 7, 2018, we invited Hall to submit additional briefing. To date, he has not done so.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The order denying Hall's petition for resentencing is affirmed.